

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 8508 of 2018

Paresh Nath Saha
Vs
The State of West Bengal & Ors.

For the Petitioner : Mr. A. Patra,
Mr. Partha Sarathi Das,
Ms. Shanta Sarkar.

For the Respondent No. 7 : Mr. Kamalesh Chakraborty,
Ms. Anita Bhattacharjee,
Mr. Dilip Kr. Maiti.

Hearing concluded on : 09.06.2025

Judgment on : 18.06.2025

Shampa Dutt (Paul), J.:

1. The present writ petition is a counter case by the private respondents in WP 30270(W)/16 against the petitioner therein alleging unauthorized construction in this case on the ground that the plan in favour of the private respondent no. 7 herein was sanctioned prior to conversion of the classification of land and as such the same not being in accordance with law is unauthorized and thus liable to be demolished.
2. It appears from the materials on record that application for conversion of classification of land was made by the respondent no. 7 on 12.08.2014

(conversion case 49/2014) before the BL & LRO, Kaliganj (page 41 to the W.P).

3. Order allowing conversion was passed on 20.02.2015 (Page 50 to the WP).
4. **It appears that the Pradhan granted permission to the respondent no. 7 to erect a structure/building vide an order dated 23.09.2013 which admittedly is prior to even to the application made for conversion on 12.08.2014.**
5. The respondent has countered the same by stating that the construction was made only in the year 2016 after conversion.
6. It is further stated that though permission to erect was granted in 2013, the plain was sanctioned on 5th January, 2015 after the conversion was allowed.
7. **It is surprising to see that the private respondent no. 7 herein being the petitioner in WP 30270(W)/16 has filed the said writ petition against the petitioner herein who had made construction with valid permission granted in accordance with law, when he himself has applied for permission to construct without first applying for conversion.**
8. The dispute between the parties is a long drawn one causing hardship to all involved.
9. As such, equity requires that the parties properties be protected in view of the facts and circumstances.
10. **WPA 8508 of 2018 stands dismissed.**
11. There will be no order as to costs.

- 12.** All connected applications, if any, stand disposed of.
- 13.** Interim order, if any, stands vacated.
- 14.** Urgent Photostat certified copy of this Judgment, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)